

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant : Kagan et al.  
App. No : 10/698,148  
Filed : October 31, 2003  
For : APPARATUS AND METHODS FOR  
TREATMENT OF MORBID OBESITY  
Examiner : Phillip Gray  
Art Unit : 3767  
Conf # : 2819

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Bryan Wehl, Reg. No. 58,878

**RESPONSE TO FINAL OFFICE ACTION AND RCE****Mail Stop RCE**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the Final Office Action mailed July 21, 2008, Applicants respectfully submit the following paper, along with a Factual Declaration of Christopher Thompson, M.D. as proper under 37 C.F.R. § 1.132, as well as a Request for Continued Examination and a request for a one-month extension of time. Please consider the following remarks and Declaration

**Listing of the Claims** begins on page 2 of this paper.

**Remarks/Arguments** begin on page 5 of this paper.